

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, MARCH 14, 2000
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:14 a.m. The meeting was recessed by Mayor Golding at 10:29 a.m. to convene the Special Joint Council Meeting with the Redevelopment Agency, the Redevelopment Agency and the Housing Authority thereafter.

The regular meeting was reconvened by Mayor Golding at 10:32 a.m. with Deputy Mayor Mathis, Council Members Stevens, Warden, and Stallings not present. Mayor Golding adjourned the meeting at 10:34 a.m. into Closed Session in the twelfth floor conference room to discuss existing litigation matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
 - (1) Council Member Mathis-Excused by R-292907, City Business.
 - (2) Council Member Wear-present
 - (3) Council Member Kehoe-present
 - (4) Council Member Stevens-not present
 - (5) Council Member Warden-Excused by R-292911, no reason given.
 - (6) Council Member Stallings-Excused by R-292910, attended MTDBs
APTA Conference
 - (7) Council Member McCarty-present
 - (8) Council Member Vargas-present
- Clerk-Abdelnour (ew)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-not present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-not present
- (5) Council Member Warden-not present
- (6) Council Member Stallings-not present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comments by Ron Boshun regarding broken sewers, broken promises, and City Employees' behaviors.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A010-042.)

COUNCIL COMMENT:

None.

ITEM-330: Parcel Map and Street Vacation - 44th Street and Alleys East and West.

(City Heights Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-986) ADOPTED AS RESOLUTION R-292864

Approving and accepting Parcel Map (W.O. 990830), being a consolidation of Lots 1 through 22, inclusive, and Lots 27 and 48, inclusive, of Block 4, and Lots 1 through 22 inclusive, and Lots 27 through 48 inclusive of Block 5, all of City Heights Annex No. 1, according to Map thereof No. 1001, and being in The City of San Diego, together with 44th Street between said Lots 27 through 48 inclusive of Block 4 and said Lots 1 through 22 inclusive of Block 5, together with the unnamed alley between said Lots 1 through 22 inclusive and Lots 27 through 48 inclusive of Block 4 and the unnamed alley between said Lots 1 through 22 inclusive and Lots 27 through 48 inclusive of Block 5, as closed and vacated to public use pursuant to Section 66445 (j) of the Subdivision Map Act; vacating a portion of 44th Street and the alleys as shown on the Parcel Map.

CITY MANAGER SUPPORTING INFORMATION:

The Redevelopment Agency of the City of San Diego is working with the CityLink Development Corporation to develop a commercial/retail project in the City Heights Community Area. The Redevelopment Agency has a Court Order of Immediate Possession of the properties within the two blocks that will be redeveloped and is seeking to transfer title to these properties to CityLink on March 14, 2000. CityLink intends to develop an 110,000 square foot commercial center, providing much needed services to the residents of the City Heights community.

A Parcel Map has been prepared to consolidate the lots and to vacate 44th Street and the associated alleys within the two blocks to facilitate the transfer of ownership and development of the project. The current locations of the rights-of-way preclude the construction of the buildings planned for the project. All public and franchise utilities within the vacated streets will be relocated satisfactorily to the City Engineer, San Diego Gas and Electric, Pacific Bell and Cox Cable. The environmental issues of the street vacations were studied as part of the redevelopment project and addressed in the City Heights Village and First Amendment to City

Heights Redevelopment Plan in LDR No. 96-0135BC, Document Finding of No Significant Impact/Mitigated Negative Declaration, dated March 28, 1996. The street vacations were found not to have significant environmental impacts. On November 1, 1999 the City Heights Area Planning Committee voted 10-0 to approve these street vacations. On February 17, 2000 the Planning Commission voted unanimously to approve these street vacations.

FINDINGS: Staff review has indicated that the four required findings for a street vacation can be made.

FISCAL IMPACT:

None. All costs have been paid for by the applicant.

Culbreth-Graft/Haase/LH

ENVIRONMENTAL IMPACT:

This project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061(b)(3).

FILE LOCATION: STRT J-2910 (39)

COUNCIL ACTION: (Tape location: A076-160.)

Hearing began at 10:18 a.m. and halted at 10:29 a.m.

CONSENT MOTION BY McCARTY TO ADOPT. Second by Wear. Passed by the following vote: Mathis-not present, Wear-yea, Kehoe-yea, Stevens-not present, Warden-not present, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-331: Two actions related to Exclusive Sale - Site 662 and Portion of Murphy Canyon Road.

(Kearny Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2000-628 Cor. Copy) **ADOPTED AS AMENDED AS
RESOLUTION R-292865**

Authorizing Site 662, being a portion of Lot 43 of Rosedale Tract, Map 825, and a portion of Lots 2 and 3 in Block 27 of Rosedale, Map 826, together with a vacated portion of Murphy Canyon Road, to be sold by negotiation for the amount of \$330,000 to Aero Drive Two, LLC;

Authorizing and empowering the City Manager or his designee to execute a grant deed, granting to Aero Drive Two, LLC, a portion of Site 662, being a portion of Lot 43 of Rosedale Tract, Map 825, and a portion of Lots 2 and 3 in Block 27 of Rosedale, Map 826, together with a vacated portion of Murphy Canyon Road;

Declaring that no broker's commission shall be paid by the City of San Diego on the herein described negotiated sale;

Declaring that the resolution shall not become effective unless and until the City Council approves the Parcel Map.

Subitem-B: (R-2000-629) **ADOPTED AS RESOLUTION R-292866**

Certifying that the information contained in DEP File No. 98-0512 has been completed in compliance with the California Environmental Quality Act and State CEQA Guidelines, and that the Mitigated Negative Declaration reflects the independent judgement of the City of San Diego as Lead Agency. Stating for the record that the final Mitigated Negative Declaration has been reviewed and considered prior to approving the project. Adopting the Mitigation, Monitoring, and Reporting Program.

CITY MANAGER SUPPORTING INFORMATION:

Proposed for sale to Aero Drive Two, LLC, are 1.62 acres of vacant commercially zoned City land at the southwest corner of Aero Drive and Interstate 15 in Kearny Mesa. Site 662 and a contiguous portion of Old Murphy Canyon Road comprise the 1.62 acres. Site 662 is an

unnneeded remnant from the project to extend Aero Drive, and the portion of Old Murphy Canyon Road is no longer used due to the re-routing of Murphy Canyon Road and is proposed for vacation. Aero Drive Two is the adjacent owner to the City's property and was the only respondent to a Request for Proposals. The City's property is best developed as an assemblage with Aero Drive Two's adjacent commercial property and is recommended for sale instead of lease for the following reasons: 1) City's property has legal access only from an easement through Aero Drive Two's adjacent property; and 2) City's property requires extensive grading, utilities relocation, and a street vacation at a cost of \$550,000 to prepare a finished building pad. Of this amount, Aero Drive Two has already spent over \$113,000 in engineering costs and fees to process the street vacation and sale. An independent fee appraisal determined the 'as is' value of the City's 1.62 acres to be \$330,000 as of September 17, 1999, which has been reviewed and approved by City staff. The proposed sale and street vacation, which were processed separately, are being presented to the City Council as companion items.

FISCAL IMPACT:

\$202,040 will be deposited into the Gas Tax Fund 302191 and \$127,960 into the General Capital Outlay Fund 302453.

Culbreth-Graft/Griffith/PTC

NOTE: See Item 332 on today's docket for a companion item.

FILE LOCATION: Subitems A & B: DEED F-7724

COUNCIL ACTION: (Tape location: A076-160.)

CONSENT MOTION BY McCARTY TO ADOPT THE RESOLUTION SUPPORTING COUNCIL MEMBER STALLINGS' REQUEST TO HAVE THE CITY MANAGER USE THE FUNDS FOR THE MISSION TRAILS TO MISSION BAY BIKE PATH PROJECT, CIP #58-144. Second by Kehoe. Passed by the following vote: Mathis-not present, Wear-yea, Kehoe-yea, Stevens-not present, Warden-not present, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-332: Street Vacation - Murphy Canyon Road.

(Kearny Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-984 Cor. Copy) ADOPTED AS RESOLUTION R-292867

Approving and accepting Parcel Map (W.O. 980512), being a lot consolidation of a portion of Lots 2 and 3 in Block 27 of Rosedale, according to Map thereof, No. 826, and a portion of Lot 43 of Rosedale Tract, according to Map thereof, No. 825, and a portion of an unnamed street, shown as County Road per said Map lying between said Block 27 and said Lot 43, as vacated and closed to public use, is made in the manner and form prescribed by law and conforms to the surrounding surveys;

Vacating a portion of Murphy Canyon Road and a portion of Aero Drive, pursuant to Section 66445 (j) of the State Subdivision Map Act.

CITY MANAGER SUPPORTING INFORMATION:

Aero Drive Two LLC, the applicant, has requested the vacation of a portion of "Old" Murphy Canyon Road, located south of Aero Drive and east of the current improved alignment of Murphy Canyon Road. "Old" Murphy Canyon Road is vacant, excess right-of-way created by the reconstruction of Murphy Canyon Road in new alignment. The vacated street would be incorporated into adjoining properties owned by the applicant and with City lands purchased by the applicant upon a companion approval by City Council.

The proposed use of this land is for commercial development, which is consistent with the existing zoning. New easements for existing Public and franchise utilities within the vacated street will be provided satisfactory to the City Engineer, San Diego Gas and Electric, Pacific Bell and Cox Cable. On October 22, 1998, the Kearny Mesa Community Planning Group voted 9-0 to approve this street vacation.

FINDINGS: Staff review has indicated that the four required findings for a street vacation can be made.

FISCAL IMPACT:

None. All costs paid for by the applicant.

Culbreth-Graft/Haase/AW

ENVIRONMENTAL IMPACT:

This project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061(b)(3).

NOTE: See Item 331 on today's Docket for a companion item.

FILE LOCATION: STRT J-2909 (39)

COUNCIL ACTION: (Tape location: A076-160.)

Hearing began at 10:18 a.m. and halted at 10:29 a.m.

Mayor Golding closed the hearing.

CONSENT MOTION BY McCARTY TO ADOPT. Second by Wear. Passed by the following vote: Mathis-not present, Wear-yea, Kehoe-yea, Stevens-not present, Warden-not present, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-333: Tooley Tower.

Matter of the appeals of Francis H. Gifford, property owner, and Peter S. Yune, of RCC Consultants Inc., (Agent for Pagenet and BellSouth) of the decision of the Planning Commission in denying Conditional Use Permit CUP-99-0397 for Pagenet to permit and maintain an illegally installed telecommunication facility consisting of four (4) omni-directional antennas, three (3) Global Positioning Satellite antennas, one (1) satellite antenna dish and ten (10) electronic equipment cabinets. The project site is located at 6152 Tooley Street in the Encanto Neighborhood of the Southeast San Diego Community Plan area. The site is designated for low density residential land use and zoned SF 10,000.

(CUP-99-0397. Southeast San Diego Community Plan area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Note and file the following resolution in subitem A and adopt the resolution in subitem B to deny the permit:

Subitem-A: (R-2000-) APPEAL WITHDRAWN

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration LDR No.-99-0397 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-2000-) APPEAL WITHDRAWN

Adoption of a Resolution granting or denying Conditional Use Permit No. 99-0397.

OTHER RECOMMENDATIONS:

Planning Commission voted 5-0 to approve staff's recommendation and deny the permit; was opposition.

Ayes: Steele, Brown, Butler, Skorepa, White
Not present: Anderson, Stryker

The Southeast San Diego Development Committee has recommended denial of the permit.

SUPPORTING INFORMATION:

The project proposes to legalize and maintain an existing wireless communication facility located at 6152 Tooley Street in the Encanto Neighborhood of the Southeast San Diego Community Plan Area (Attachment 1, Report to the Planning Commission). The site is designated for low density residential land use and zoned SF 10,000. The 0.6 acre site is developed with a single-family residence with a detached garage, an equipment storage shed and a 90-foot tall amateur radio antenna tower. The site is surrounded by single-family homes in a

low density neighborhood with a distinctly rural ambiance. The property is the subject of an on-going Code Compliance Case (NC No. 61185) which cites the non-permitted telecommunication antennas, an illegal move-on structure (house trailer) and fence, as well as the generally poor condition of the property. The house has been vacant for several years, and remains in a semi-uninhabitable state of disrepair. To date, the house trailer and fence have been removed and the property has been cleared of the accumulated trash and debris.

The proposed project seeks to legalize and maintain a wireless telecommunication facility attached to a 90-foot tall amateur radio antenna tower. The amateur radio antenna tower was licenced by the Federal Communication Commission (FCC) and received building permits from the City of San Diego in 1969.

The property owner no longer resides on the site but continues to legally utilize the antenna tower as a “repeater station” which simultaneously retransmits the transmission of another amateur station on a different channel or channels. However, whereas the antenna tower/repeater station are legal, the existing wireless communication antennas were installed and expanded over the last several years without the benefit of zoning or building permits.

FISCAL IMPACT:

None.

LEGAL DESCRIPTION:

The project site is located on the north side of Tooley Street (6152 Tooley Street) between Weaver and Fulmar Streets in the Encanto Neighborhood of Southeast San Diego and is more particularly described as Lot 168, Empire Addition, Map No. 1254.

FILE LOCATION: Subitems A & B: PERM-99-0397 (65)

COUNCIL ACTION: (Tape location: A049-070.)

City Attorney Gwinn explained that when an appellant withdraws the appeal, it means the decision of the Planning Commission becomes final and that it is taken off the docket and will not be heard today. He also stated that there will be no further appeal of this matter.

ITEM-334: **Alternate Actions** related to Amendment of the Airport Environs Overlay Zone, and Application of the Overlay Zone To Areas Surrounding Lindbergh Field.

(Continued from the meeting of February 8, 2000, Item 330, at the City Manager's request, for additional time to prepare maps.)

Matter of amending the Airport Environs Overlay Zone (AEOZ) to add Lindbergh Field to the list of airports around which some new construction is subject to the filing of aviation easements with the San Diego Unified Port District and to the requirement to attenuate for aircraft noise impacts. The City is also proposing to apply the Airport Environs Overlay Zone to property surrounding Lindbergh Field.

The City Council will consider approving the following:

1. Amendment to the Airport Environs Overlay Zone to reference Lindbergh Field, thereby requiring that property owners provide aviation easements to the Port District when requesting certain forms of construction. Ordinance O-2000-126 would require property owners to file easements when proposing new residential construction within the area defined by the 65 decibel CNEL noise contour as mapped in 1999. Alternative Ordinance O-2000-154 would require property owners to file easements when proposing new residential construction within the area defined by the 65 decibel CNEL noise contour as mapped in 1990. Property owners proposing residential construction within the 60+ decibel noise contour will also be required to attenuate for aircraft noise to achieve an interior noise level not exceeding 45 decibels. The cost of the required noise attenuation shall not exceed 10 percent of construction costs.

2. Application of the Airport Environs Overlay Zone to the area shown on Zone Map Drawing C-885, which approximates the 60 decibel CNEL aircraft noise contour. Zone Map Drawing C-885/Version A reflects the 1999 contour, while Zone Map Drawing C-885/Version B reflects the 1990 contour.

(Districts-2, 3, 4, & 8.)

NOTE: Hearing open. No testimony taken on 2/8/2000.

CITY MANAGER'S RECOMMENDATION:

Introduction of **either** of the following ordinances in Subitem A **or** Subitem B (with City Manager's recommendation to introduce the ordinance in Subitem A and note and file the ordinance in Subitem B); and introduction of the ordinance in Subitem C:

Subitem-A: (O-2000-126 Cor. Copy) RETURNED TO THE CITY MANAGER

Introduction of an Ordinance amending the Airport Environs Overlay Zone
(Municipal Code Sections 132.0201, 132.0302, 132.0303, 132.0306, 132.0308,
and 132.0309).

or

Subitem-B: (O-2000-154) RETURNED TO THE CITY MANAGER

Introduction of an Ordinance amending the Airport Environs Overlay Zone
(Municipal Code Sections 132.0301, 132.0302, 132.0303, 132.0306, 132.0308,
and 132.0309).

Subitem-C: (O-2000-129 Cor. Copy) RETURNED TO THE CITY MANAGER

Introduction of an Ordinance applying the Airport Environs Overlay Zone to
properties surrounding Lindbergh Field (Version A, reflecting the 1999 contours).

OTHER RECOMMENDATIONS:

Planning Commission voted 4-0 to recommend approval of an ordinance amending the Municipal Code (represented as Subitem B), and an ordinance applying the Airport Environs Overlay Zone to properties as shown in Zone Map Drawing C-885, Version B, reflecting the 1990 contours; was opposition.

Ayes: Brown, Skorepa, Stryker, White

Abstaining: Anderson, Butler

Not present: Steele

The Golden Hill, Mission Beach, Southeastern San Diego, Peninsula, Midway/Pacific Highway Corridor, Ocean Beach, and Uptown Community Planning Groups have been notified of this item and have not submitted a recommendation.

SUPPORTING INFORMATION:

In 1992, SANDAG (acting as the region's Airport Land Use Commission) approved the Lindbergh Field Comprehensive Land Use Plan (CLUP). The CLUP contains recommendations to improve compatibility between the airport and surrounding residential land uses. The CLUP calls for the City of San Diego, under certain circumstances, to require property owners to include noise attenuation in new residential construction projects, and to provide the Port District with "avigation easements." Noise attenuation is intended to ensure that noise levels interior to the home do not exceed 45 decibels. The avigation easement is a written acknowledgment of the noise, inconvenience, and property value impacts caused by aircraft noise. The proposed Airport Environs Overlay Zone is a Municipal Code amendment that would implement these CLUP recommendations. The zone would be applied to properties by an overlay zone that would be reflected on the City's zoning maps.

The proposed Airport Environs Overlay Zone (AEOZ) will require noise attenuation for all residential construction in the 60 decibel and higher noise contour. This is consistent with the City's adopted noise ordinance. The AEOZ would require avigation easements from property owners when proposing the addition of new dwelling units in the 65 decibel and higher noise contours. Easements would not be required for building additions or renovations. This approach is consistent with various provisions of the CLUP and would implement the requirements of State law. However, Port District staff recommend that easements be required for renovation of multifamily units, and that easements be required in the broader 60+ decibel contour. City staff propose to use the 1999 noise contour maps to form the boundaries of the overlay zone, while Port District staff recommend the use of 1990 noise contour maps. The CLUP recommends using the 1990 contours; however, the 1999 maps more accurately reflect current conditions (the 1999 noise environment is quieter than 1990 due to the phase-out of Stage 2 aircraft).

In September 1999, the Land Use and Housing Committee directed staff to proceed with public hearings on the overlay zone. The Committee recommended that easements be required in the 65+ contour for construction of new (additional) dwelling units, and that the overlay zone be based on 1999 contours. In December 1999, the Planning Commission recommended approval of the draft AEOZ, but recommended that the 1990 contours be used to establish the overlay zone boundaries.

FISCAL IMPACT:

None.

Culbreth-Graft/Goldberg/MBK

NOTE: This project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061.b.3.

FILE LOCATION: Subitems A, B & C: MEET

COUNCIL ACTION: (Tape location: A053-160.)

CONSENT MOTION BY McCARTY TO RETURN TO THE CITY MANAGER AT HIS REQUEST BECAUSE THE PORT DISTRICT HAS REQUESTED MORE TIME TO REVIEW THE ITEM. Second by Vargas. Passed by the following vote: Mathis-not present, Wear-yea, Kehoe-yea, Stevens-not present, Warden-not present, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-335: Four actions related to the Establishment of City of San Diego Community Facilities District No. 2 (Santaluz).

(Portions of Subareas I and IV of the Future Urbanizing Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions in Subitems A, B, and C; introduce the ordinance in Subitem D:

Subitem-A: (R-2000-992) ADOPTED AS RESOLUTION R-292868

Adoption of a Resolution establishing Community Facilities District No. 2 (Santaluz) and designating improvement areas, authorizing the levy of special taxes, and calling elections therein.

Subitem-B: (R-2000-990) ADOPTED AS RESOLUTION R-292869

Adoption of a Resolution determining the necessity to incur bonded indebtedness within each improvement area of Community Facilities District No. 2 (Santaluz) and calling elections therein.

Subitem-C: (R-2000-991 Cor. Copy) ADOPTED AS RESOLUTION R-292870

Adoption of a Resolution certifying the results of the March 14, 2000 Special Tax and Bond Elections.

Subitem-D (O-2000-150) INTRODUCED, TO BE ADOPTED ON APRIL 10, 2000

Introduction of an Ordinance authorizing the levy of a special tax within each of Improvement Areas No. 1, 2, and 3 of such district.

CITY MANAGER SUPPORTING INFORMATION:

On February 8, 2000, the City Council adopted Resolution Numbers R-292753 and R-292754, which declared Council's intention to establish Community Facilities District No. 2 (Santaluz), authorize the levy of special taxes to pay the costs of acquiring or constructing certain facilities and expenses of the District, authorize payment of debt service on bonded indebtedness, approve the Purchase and Financing Agreements between the City and property owners and declared the City's intention to incur bonded indebtedness, within each of proposed Improvement Area Nos. 1, 2 and 3 of Community Facilities District No. 2 (Santaluz). At the noticed public hearing, the City Council will be asked to hear testimony either for or against formation of the district. Council will then declare the public hearing closed and will be asked to adopt the following Resolutions:

- 1) Resolution declaring and establishing the formation of Community Facilities District No. 2 (Santaluz), and authorizing the submittal of the levy of special taxes to the qualified electors; and
- 2) Resolution declaring the necessity to incur bonded indebtedness, and submitting a proposition to the qualified voters in Community Facilities District No. 2 (Santaluz).

If Council adopts the above resolutions, the City Clerk will be asked to conduct a special election among the qualified district voters. Upon completion of the special election, the results will be tallied and certified. Assuming a favorable vote, Council will then be asked to adopt the following Resolution and Ordinance:

- 1) Resolution certifying the results of the special tax in Community Facilities District No. 2 (Santaluz); and
- 2) Ordinance authorizing the levy of a special tax in Community Facilities District No. 2 (Santaluz).

If the above proceedings are successful, City staff will return to the City Council at a later date to seek approval of various legal and financing documents related to the issuance of bonds within the Community Facilities District.

FISCAL IMPACT:

None. All costs related to determining the financial feasibility of the proposed CFD, including financial advisory services, legal counsel, special tax consulting, appraisal services, and City staff have been funded by the property owners within the proposed district. If the CFD is established and bonds are issued, all costs related to financing the improvements and all incidental expenses related to forming and administering the CFD will be borne by the district.

Frazier/Vattimo/CW

FILE LOCATION: Subitems A, B & C: STRT-CF-2 (58)
Subitem D: NONE

COUNCIL ACTION: (Tape location: A076-160; A188-219.)

Hearing began at 10:18 a.m. and recessed at 10:29 a.m.

Hearing resumed at 10:31 a.m. and halted at 10:33 a.m.

City Clerk Abdelnour announced that on each of these subitems, all the votes are "yes."

Mayor Golding closed the hearing.

CONSENT MOTION BY McCARTY TO ADOPT THE RESOLUTIONS FOR SUBITEMS -A AND -B. Second by Wear. Passed by the following vote: Mathis-not present, Wear-yea, Kehoe-yea, Stevens-not present, Warden-not present, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

MOTION BY WEAR TO ADOPT THE RESOLUTION FOR SUBITEM C AND INTRODUCE THE ORDINANCE IN SUBITEM D. Second by Kehoe. Passed by the following vote: Mathis-not present, Wear-yea, Kehoe-yea, Stevens-not present, Warden-not present, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-336: Determination of the Citywide Vacancy Rate for Residential Rental Units.

Matter of the determination of the Citywide Apartment Vacancy Rate for residential rental units. This determination is required by Municipal Code Section 141.0302 "Conditional Use Permits for Companion Units." If the vacancy rate is determined to be above five percent, the City will not accept applications for companion units for one year.

(Community Plan Area-All. District-Citywide.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-985) ADOPTED AS RESOLUTION R-292871

Adoption of a Resolution determining that the Citywide Average Vacancy Rate for residential rental units did not exceed five percent in calendar year 1999.

OTHER RECOMMENDATIONS:

This item will be presented as information at the Community Planners Committee on March 28, 2000.

SUPPORTING INFORMATION:

Every year the City Council is required to determine whether the average annual vacancy rate for residential rental units during the previous calendar year was greater or less than five percent. This determination is required by Municipal Code Section 141.0302 "Conditional Use Permit for Companion Units.

If the vacancy rate is determined to be above five percent, the City will not accept applications for companion units for one year. If the vacancy rate is determined to be below five percent, the City will accept applications for companion units for one year.

The average annual vacancy rate for residential rental units has been determined to be below five percent for calendar year 1999, based on analysis of published surveys.

The Planning Commission is scheduled to hear this item on March 9, 2000. The results of this discussion will be presented at the City Council Hearing.

FISCAL IMPACT: None.

Culbreth-Graft/Goldberg/ATS

NOTE: This activity exempt from CEQA pursuant to Section 15061 (b)(3) of the State CEQA Guidelines.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A076-160.)

Hearing began at 10:18 a.m. and halted at 10:29 a.m.

Mayor Golding closed the hearing.

CONSENT MOTION BY McCARTY TO ADOPT. Second by Wear. Passed by the following vote: Mathis-not present, Wear-yea, Kehoe-yea, Stevens-not present, Warden-not present, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-337: Three actions related to Support for Tax-exempt Financing for Three Private Businesses' Capital Expansion Projects - 1) Finest City Oil Corporation Enterprise Zone Bond; 2) Institute For Defense Analyses; 3) Moore Printed Circuits.

(City Heights, University and Mira Mesa Community Areas. Districts-3 and 5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2000-967) ADOPTED AS RESOLUTION R-292872

Approving the issuance of Equipment only Purchase Program Notes by the California Statewide Communities Development Authority for Moore Printed Circuits, Inc., in the amount of \$1,000,000.

Subitem-B: (R-2000-968) ADOPTED AS RESOLUTION R-292873

Approving the issuance of Notes, Bonds or other evidence of indebtedness by the California Statewide Communities Development Authority for Finest City Oil Corporation Enterprise Zone Bond in the amount of \$3,000,000.

Subitem-C: (R-2000-983) ADOPTED AS RESOLUTION R-292874

Approving the issuance of Revenue Refunding Bonds by California Statewide Communities Development Authority for the Institute for Defense Analyses in the amount of \$5,000,000.

CITY MANAGER SUPPORTING INFORMATION:

The City Council is requested to hold a TEFRA hearing supporting issuance of tax-exempt conduit revenue private activity bonds by the California Statewide Communities Development Authority Joint Powers Agency ("CSCDA") on behalf of the subject businesses in order for them to receive Year 2000 private activity bond volume cap allocation from the State Treasurer. CSCDA has previously issued conduit bonds through the City for many San Diego businesses' capital expansion projects. The subject Bonds will finance the following projects:

- 1) Finest City Oil Corp Enterprise Zone Bond. Borrower: Mark Kasab, an established retail entrepreneur in the area, is the managing shareholder of this startup business. Bond Amount: up to \$3 million; Project Description: Commercial development of a market and gas station at 4057 University Avenue at the I-15 exit in City Heights; Employment: 40 jobs created, at least 35% of which must be filled by Enterprise Community residents.
- 2) Institute For Defense Analyses. Borrower: IDA is a nonprofit institution based in Alexandria, VA involved in defense-related mathematics, communications and high speed computing research. Bond Amount: up to \$5 million; Project Description: Refinancing of IDA's existing 30,000 S.F. facility at 4320 Westerra Court in Eastgate Technology Park; Employment: 112 full and part time jobs retained/5 created.

3) Moore Printed Circuits. Borrower: MPC is a small minority-owned manufacturer of printed circuit boards expanding at 6740 Nancy Ridge Drive. Bond Amount: up to \$1 million; Project Description: Tax-exempt equipment lease to expand production capacity. Employment: 48 jobs retained/ 20 created.

By adopting a resolution supporting this financing by CSCDA, the Council will be facilitating the growth of local businesses and the retention and creation of 225 jobs by assisting three employers to obtain the most cost-effective financing available for their capital expansion projects.

FISCAL IMPACT:

Based on the combined maximum proposed financing amount of \$9 million, origination fees totaling \$22,500 would be paid into the City's IDB Administrative Expense Fund (10240).

Culbreth-Graft/Cunningham/JAG

FILE LOCATION: Subitems A, B & C: MEET

COUNCIL ACTION: (Tape location: A076-160.)

Hearing began at 10:18 a.m. and halted at 10:29 a.m.

Mayor Golding closed the hearing.

CONSENT MOTION BY McCARTY TO ADOPT. Second by Wear. Passed by the following vote: Mathis-not present, Wear-yea, Kehoe-yea, Stevens-not present, Warden-not present, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-338: Exemption of Parking Operations Program Manager from the Classified Service.

(See memorandums dated 12/21/99, 1/28/00, and 2/9/00.)

CITY MANAGER'S RECOMMENDATION:

Introduce and adopt the following ordinance:

(O-2000-145) INTRODUCED AND ADOPTED AS ORDINANCE
O-18784 (New Series)

Introduction and adoption of an Ordinance amending Ordinance O-18667 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1999-2000 and Appropriating the Necessary Money to Operate the City of San Diego for Said Fiscal Year" by amending document No. OO-18667 to add the position of Parking Operations Program Manager in the Transportation Department, and exempting said position from the Classified Service.

CITY MANAGER SUPPORTING INFORMATION:

On February 3, 2000, the Civil Service Commission reviewed and approved a request of the Transportation Department to exempt a Parking Operations Program Manager from the Classified Service. This position will be responsible for planning, administering, budgeting, organizing, directing, and policy formulation associated with managing Parking Operations; for sustaining revenue generation of about \$20 million annually; ensuring the achievement of organizational goals and measures of effectiveness in operational areas; for problem resolution of parking issues within the City of San Diego; for coordinating with other City departments and appropriate local, State and Federal agencies as well as private and community interests; and making recommendations concerning parking policies associated with the Municipal Ordinance and the California Vehicle Code.

Charter Section 117 states that Unclassified Service shall include "managerial employees having significant responsibilities for formulating and administering department policies and programs. Each such position shall be exempt from the Classified Service by ordinance, upon the initiation of the appropriate appointing authority and after receiving the advisory review and comment of the Civil Service Commission and approval of the City Council." Upon review of the duties and responsibilities of this position, the Commission found that it meets the intent of Charter Section 117.

FISCAL IMPACT:

Contingent upon Council approval, funds for this position will be budgeted in the Transportation Department, Parking Management Division for Fiscal Year 2001.

Loveland/Gonzalez/MGR

NOTE: See Item 200 on the regular docket of Monday, March 13, 2000 for the first public hearing. Today's action is the second public hearing and the introduction and adoption of the ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A076-160.)

CONSENT MOTION BY McCARTY TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Mathis-not present, Wear-yea, Kehoe-yea, Stevens-not present, Warden-not present, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-339: Redevelopment Agency FY 1999 Annual Report and Annual Financial Report.

(Districts-2, 3, 4, 5, 7, and 8.)

**ECONOMIC DEVELOPMENT AND COMMUNITY SERVICES'S
RECOMMENDATION:**

Adopt the following resolution:

(R-2000-1018) ADOPTED AS RESOLUTION R-292875

Approving the Redevelopment Agency Fiscal Year 1999 Annual Report and Annual Financial Report.

CITY MANAGER SUPPORTING INFORMATION:

California Redevelopment Law requires every Redevelopment Agency to submit an Annual Report to its legislative body. The report must include both programmatic and financial information about the activities of the Redevelopment Agency during the preceding fiscal year. Information for the Redevelopment Agency is prepared as two documents.

The Fiscal Year 1999 Annual Report contains programmatic information on each of the sixteen redevelopment project areas and one redevelopment study area, describing activities and achievements during Fiscal Year 1999 and major project goals for Fiscal Year 2000. A description of low and moderate income housing activity is also included. The Annual Report is prepared by the Agency's three Redevelopment Entities: Centre City Development Corporation, Southeastern Economic Development Corporation and the City's Economic Development and Community Services Department.

The Annual Financial Report provides, for each project area and the Agency as a whole, FY 1999 and project-to-date revenues and expenditures, assets and liabilities, remaining balances as of June 30, 1999 and changes in assessed valuation. The Financial Report is prepared by the City Auditor and Comptroller and is submitted to the State Controllers Office as mandated by the Redevelopment statute. The Financial Report has been audited by the City's independent Auditor, Calderon, Jaham and Osborn.

FISCAL IMPACT:

None with this action.

Culbreth-Graft/Cunningham/HOOKS

NOTE: See the Redevelopment Agency Agenda dated 3/14/00 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A076-160.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Wear. Passed by the following vote: Mathis-not present, Wear-yea, Kehoe-yea, Stevens-not present, Warden-not present, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-340: Findings for Construction of the Streetlights Phase IV Project.

(See memorandum from Centre City Development Corporation. East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION RECOMMENDATION:

Adopt the following resolution:

(R-2000-947) ADOPTED AS RESOLUTION R-292876

Making certain findings with respect to the payments for construction of streetlight improvements in the East Village Redevelopment District of the expansion sub area of the Centre City Redevelopment Project.

NOTE: See the Redevelopment Agency Agenda of March 14, 2000 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A076-160.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Wear. Passed by the following vote: Mathis-not present, Wear-yea, Kehoe-yea, Stevens-not present, Warden-not present, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-341: Approving the Financing of the Centre City Redevelopment Project by the Redevelopment Agency of the City of San Diego.

(See memorandum from Centre City Development Corporation dated 2/29/2000. Centre City Redevelopment Project. Districts-2, 3, and 8.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-994) ADOPTED AS RESOLUTION R-292877

Approving the financing of the Centre City Redevelopment Project through the issuance of tax allocation bonds by the Redevelopment Agency of the City of San Diego in an amount not to exceed \$7 million.

NOTE: See the Redevelopment Agency Agenda of 3/14/2000 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A076-160.)

Hearing began at 10:18 a.m. and halted at 10:29 a.m.

Mayor Golding closed the hearing.

CONSENT MOTION BY McCARTY TO ADOPT. Second by Wear. Passed by the following vote: Mathis-not present, Wear-yea, Kehoe-yea, Stevens-not present, Warden-not present, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-342: Approval of a Public Use Lease between Pacific Development Partners and the City of San Diego.

(See Report No. 00-007 from Southeastern Economic Development Corporation. District-4)

**SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S
RECOMMENDATION:**

Introduce the following ordinance:

(O-2000-135) CONTINUED TO APRIL 11, 2000

Introduction of an Ordinance authorizing the City Manager to execute a Public Use Lease Agreement with Pacific Development Partners, LLC, for a Park and Ride facility that will be developed as a part of the Imperial Marketplace development located in the Central Imperial Redevelopment Project area.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A053-160.)

CONSENT MOTION BY McCARTY TO CONTINUE THIS ITEM TO APRIL 11, 2000, AT THE CITY MANAGER'S REQUEST FOR FULL COUNCIL. Second by Vargas. Passed by the following vote: Mathis-not present, Wear-yea, Kehoe-yea, Stevens-not present, Warden-not present, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-343: Approving the Use of Housing Set-aside Funds from the Gateway Center West Redevelopment Project Area for Off-Site Improvements in the Central Imperial Redevelopment Project Area.

(See SEDC Report No. 00-010. District 4.)

**SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S
RECOMMENDATION:**

Adopt the following resolution:

(R-2000-993) ADOPTED AS RESOLUTION R-292878

Approving the Use of Housing Set-aside Funds from the Gateway Center West Redevelopment Project Area for off-site improvements in the Central Imperial Redevelopment Project Area and making findings that such use is necessary to eliminate a specific condition that jeopardizes the health or safety of existing low - or moderate-income residents and that the use will be a benefit to the project area.

NOTE: See the Redevelopment Agency Agenda of 3/14/2000 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A076-160.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Wear. Passed by the following vote: Mathis-not present, Wear-yea, Kehoe-yea, Stevens-not present, Warden-not present, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-344: Approving Bond Issuance for the Island Garden Apartments.

(See San Diego Housing Commission Report HCR-00-021. District-4.)

SAN DIEGO HOUSING COMMISSION' S RECOMMENDATION:

Adopt the following resolution:

(R-2000-980) ADOPTED AS RESOLUTION R-292879

Approving the issuance of Multifamily Housing Revenue Bonds by the California Statewide Communities Development Authority for the Island Garden Apartments.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A076-160.)

Hearing began at 10:18 a.m. and halted at 10:29 a.m.

CONSENT MOTION BY McCARTY TO ADOPT. Second by Wear. Passed by the following vote: Mathis-not present, Wear-yea, Kehoe-yea, Stevens-not present, Warden-not present, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-345: Em Tek Fund Final Recoverable Grant and Non-Recourse Note Execution.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2000-151) CONTINUED TO APRIL 11, 2000

Introduction of an Ordinance authorizing the City Manager to execute a recoverable Grant Agreement and Note in the final amount of \$1.1 million with the Jacobs Center for Nonprofit Innovation to recapitalize Phase Two of the Em Tek Fund Small Business Revolving Loan Program; authorization of this Ordinance to supersede and rescind Ordinance No. O-18648.

CITY MANAGER SUPPORTING INFORMATION:

The Em Tek Fund was initially established in 1994 as part of a larger federal defense conversion grant to the City to provide financing for promising smaller early-stage high tech businesses located throughout San Diego County unable to obtain conventional loans or attract venture capital. Em Tek's Phase One capitalization, which consisted of a \$750,000 EDA Title IX Revolving Loan Fund Grant and a \$250,000 City matching contribution, has been fully obligated to ten companies. So far, 117 new jobs have been created and over \$5.5 million in total public and private investment has been generated. Em Tek Phase Two capital of \$1.25 million, comprised of \$125,000 each from the City and County and a \$1 million Recoverable Grant from a consortium of area banks funded through the Jacobs Center for Nonprofit Innovation (JCNI), was closed in June 1999 and is targeted to women- and minority-owned businesses and small businesses located in low and moderate income census tracts throughout the County. US Bank recently also pledged \$100,000 to the Phase Two capital pool. The proposed action will enable them to participate in the bank consortium and will correspondingly increase the total amount of the JCNI recoverable grant to the City to \$1.1 million.

FISCAL IMPACT:

Program Revenues & Operating Grants will cover cost of program administration: estimated program administrative cost \$1,022,750; project revenue generation \$1,279,604.

Uberuaga/Christiansen/MAS

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A053-160.)

Hearing began at 10:18 a.m. and halted at 10:29 a.m.

CONSENT MOTION BY McCARTY TO CONTINUE THIS ITEM TO APRIL 11, 2000, AT THE CITY MANAGER'S REQUEST FOR FULL COUNCIL. Second by Vargas. Passed by the following vote: Mathis-not present, Wear-yea, Kehoe-yea, Stevens-not present, Warden-not present, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-346: Two actions related to Approval of the Proposed Bond Financing for FY 99/00.

(See Report No. 00-0005 from Southeastern Economic Development Corporation. District-4.)

**SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S
RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2000-831) CONTINUED TO APRIL 11, 2000

Approving the issuance by the Redevelopment Agency of the City of San Diego of not to exceed \$4,000,000 aggregate principal amount of Tax Allocation Bonds to finance a portion of the cost of a redevelopment project known as the Central Imperial Redevelopment Project.

Subitem-B: (R-2000-832) CONTINUED TO APRIL 11, 2000

Approving the issuance by the Redevelopment Agency of the City of San Diego of not to exceed \$2,000,000 aggregate principal amount of Tax Allocation Bonds to finance a portion of the cost of a redevelopment project known as the Southcrest Redevelopment Project.

NOTE: See the Redevelopment Agency Agenda of March 14, 2000 for a companion item.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A053-160.)

CONSENT MOTION BY McCARTY TO CONTINUE THIS ITEM TO APRIL 11, 2000, AT HER REQUEST FOR FULL COUNCIL. Second by Vargas. Passed by the following vote: Mathis-not present, Wear-yea, Kehoe-yea, Stevens-not present, Warden-not present, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

CLOSED SESSION ACTION:

ITEM-CS-1: (R-2000-1052) ADOPTED AS RESOLUTION R-292881

A Resolution adopted by the City Council in Closed Session on March 14, 2000:

Authorizing the City Manager to pay the sum of \$365,000, in the settlement of each and every claim against The City of San Diego, its agents and employees, in Superior Court Case No. 725359, Kumiko Umeno, et al. V. City of San Diego, et Al., resulting from personal injury claims; authorizing the City Auditor and Comptroller to issue three checks: 1) \$350,000 made payable to Kumiko Umeno and her attorneys of record, Stephen L. Waldman and Dick Semerdjian; 2) \$3,750 made payable to Gouta Umeno, a minor by and through his guardian ad litem, Kasuko Wong and his attorneys of record, Stephen L. Waldman and Dick Semerdjian; 3) \$11,250 payable to Jamestown Life Insurance Company, on behalf of Gouta Umeno, in full settlement of all claims.

Aud. Cert. 2000861

FILE LOCATION: MEET

ITEM-CS-2: (R-2000-979) ADOPTED AS RESOLUTION R-292882

A Resolution adopted by the City Council in Closed Session on March 14, 2000:

Authorizing the City Manager to pay the sum of \$70,000 in the settlement of each and every claim against The City of San Diego, its agents and employees, in Superior Court Case No. GIC736689, G. Fred Birkell V. City of San Diego, resulting in property damage; authorizing the City Auditor and Comptroller to issue one check in the amount of \$70,000, made payable to the Estate of G. Fred Birkell and Louis Goebel, attorney, in full settlement of all claims.

Aud. Cert. 2000833

FILE LOCATION: MEET

ITEM-CS-3: (R-2000-1031) ADOPTED AS RESOLUTION R-292883

A Resolution adopted by the City Council in Closed Session on March 14, 2000:

Authorizing the City Manager to pay the sum of \$45,000 in the settlement of each and every claim against The City of San Diego, its agents and employees, in Superior Court Case No. 723980, La Ronda Engram-Resendiz, et al. V. City of San Diego, et al., resulting from personal injuries; authorizing the City Auditor and Comptroller to issue one check in the amount of \$45,000, made payable to La Ronda Engram-Resendiz, Rosalina Ware and Douglas A. Oden, their attorney of record in full settlement of all claims.

Aud. Cert. 2000881

FILE LOCATION: MEET

ITEM-CS-4: (R-2000-1020) ADOPTED AS RESOLUTION R-292884

A Resolution adopted by the City Council in Closed Session on March 14, 2000:

Authorizing the City Manager to pay the sum of \$73,519.10 in the settlement of each and every claim against The City of San Diego, its agents and employees, resulting from the personal property damage claim of Patrick Prindle; authorizing the City Auditor and Comptroller to issue one check in the amount of \$69,382.40 made payable to Luth & Turley, Inc., as the complete and final settlement.

Aud. Cert. 2000831

FILE LOCATION: MEET

ITEM-CS-5: (R-2000-1021) ADOPTED AS RESOLUTION R-292885

A Resolution adopted by the City Council in Closed Session on March 14, 2000:

Authorizing the City Manager to pay the sum of \$7,025 in the settlement of each and every claim against The City of San Diego, its agents and employees, resulting from the property damage of Transportation Network; authorizing the City Auditor and Comptroller to issue one check in the amount of \$7,025 made payable to Transportation Network on behalf of Yellow Cab, as the complete and final settlement of the property damage claim.

Aud. Cert. 2000832

FILE LOCATION: MEET

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 10:34 a.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A220).